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Provisional summary record of the 65th meeting (closed)
Held at Headquarters, New York, on Thursday, 15 May at 3.30 p.m.

Chairman: Mr. Arias ..... (Spain)

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The meeting was called to order at 3.40 p.m.

Adoption of the agenda

1. *The agenda was adopted.*

Meeting between the Committee and the International Atomic Energy Agency, Interpol, the Organization for the Prohibition of Chemical Weapons and the World Customs Organization

2. **The Chairman**, on behalf of the Committee, expressed his condolences to the Russian Federation and Saudi Arabia for the recent attacks against their countries. The indiscriminate nature of such actions underscored the importance of the work of the Counter-Terrorism Committee. As the President of Spain had said at a recent Security Council meeting, terrorism was a threat to civilization, democracy and international peace and security. The main aim of the work of the international community was to defend the human right to life. He welcomed the guest speakers and said that a representative from the Department for Disarmament Affairs would also be participating in the meeting.

3. **Mr. Batsanov** (Organization for the Prohibition of Chemical Weapons (OPCW)) said that OPCW was a treaty-based organization that had been set up in 1997 to monitor implementation of the Chemical Weapons Convention. It was the first global treaty with a comprehensive verification system banning one category of weapons of mass destruction. The main activities of OPCW were the verifiable elimination of chemical weapor stockpiles and associated production facilities, non-proliferation and non-production, protection and assistance and international cooperation on the peaceful use of chemicals.

4. The Chemical Weapons Convention had 151 States parties and one Contracting State. Although the organization had not been set up to combat terrorism, it had decided to define its role in that area in the light of 11 September 2001. The new face of terrorism was based on globalization, worldwide financing, modern technology and weapons of mass destruction. That had resulted in a new form of proliferation among terrorist organizations rather than States. Given that the fight against terrorism needed to be multidimensional and multidisciplinary, international cooperation and concerted action from international organizations were essential.

5. Current risks for the five possessor States parties included access to existing chemical weapons; home-made agents, access to technology, expertise and laboratories and theft, sabotage and accidents within the chemical industry. Although counter-terrorism in general was the concern of law enforcement, OPCW had a role to play in preventing access to chemical weapons and reacting to terrorist attacks if prevention failed.

6. As far as access to existing chemical weapons was concerned, the priorities were secure storage and speedy destruction. Some bilateral cooperation was taking place, in which OPCW was not directly involved. The threat of home-made agents, technology and laboratories had given added importance to the need to enact implementing legislation.

7. The most important OPCW document on such matters was the Executive Council decision, adopted on 7 December 2001, concerning the organization's contribution to anti-terrorist efforts and full and effective implementation of the Chemical Weapons Convention. The decision called for universal adherence to the Convention; full implementation of legislative measures; timely elimination of chemical weapons and production facilities; non-production in industry, non-diversion of toxic chemicals and non-proliferation and underlined the ability of OPCW to provide assistance and protection to Member States when needed.

8. At the First Chemical Weapons Convention Review Conference, held from 28 April to 9 March 2003, concerns had been expressed about States that were not signatories. In the Middle East such States included Egypt, Iraq, Lebanon, Libya and Syria, while Israel had signed but not ratified the Convention. About one third of African countries had not yet ratified the Convention. In Asia, the Democratic People's Republic of Korea was not a signatory and Afghanistan, Cambodia, Kyrgyzstan and Myanmar had signed but not ratified the Convention.

9. As for implementing legislation, more input was required from the United Nations Secretariat and other States, since half of the States parties had not reported full implementation of the relevant provisions. The destruction of weapons was not universally successful but some progress had been made. Out of the five possessor States, the United States of America and the Russian Federation had both destroyed stocks.

Although the Russian Federation trailed behind, the OPCW policy bodies were aware of that country's financial and other problems, as reflected in the decision taken at the G-8 summit in Kananaskis.

10. In the area of assistance and protection, OPCW provided such items as gas masks, mobile laboratories and decontamination equipment. The organization was gradually building its response capacity and the first exercise in coordinating the delivery of assistance had been carried out in Croatia during September 2002. The exercise had taken several months to prepare, however, and such leeway would clearly not be available in a real-life situation.

11. **Ms. Nilsson** (International Atomic Energy Agency (IAEA) said that the mandate of IAEA required it to verify States' peaceful-use obligations, develop safety standards and promote the use of nuclear technology for sustainable development through technical cooperation. While the theft of finished weapons was an issue for Member States, IAEA aimed to prevent materials that could be used for nuclear production from getting into the wrong hands. Radiological dispersal devices (RDD) using non-nuclear materials were not classed as weapons of mass destruction, but they were certainly weapons of mass disruption. If radiological sabotage attacks were carried out, there would be serious consequences for people, property and the environment. The database on illicit traffic in nuclear materials had been operating for 10 years with a network of contact in 70 States. There had been 500 confirmed incidents involving nuclear materials or sources and, although most had been harmless, there was no room for complacency.

12. In the light of 11 September 2001, the IAEA Board of Governors had approved a plan of action to strengthen the Agency's fight against nuclear terrorism. The plan was financed from voluntary contributions and covered the use, storage and transportation of nuclear and other radioactive materials. Thus far, 20 States had made financial contributions and 14 States had contributed in kind. The Convention on the Physical Protection of Nuclear Materials formed the framework for the plan. The Convention was also the only IAEA instrument included in the conventions referred to in resolution 1373 (2001), despite the fact that other IAEA conventions and voluntary standards could usefully contribute to the fight against terrorism. The emphasis of the plan of action was on prevention and protecting the materials at source. However, IAEA also recognized the need to detect theft and sabotage by monitoring borders, fostering cooperation and developing response mechanisms. The plan also attached importance to the framework offered by security guidelines and recommendations with a view to improving security in the short term.

13. IAEA offered services including voluntary peer evaluations (as opposed to inspections), 35 of which had been performed to date. Other aims of the plan included promoting education and training programmes at the international, regional and national levels and encouraging methodology development and joint research projects. It was also vital to coordinate programmes and favour information exchange at meetings such as the International Conference on Security of Radioactive Sources. Priority would be given to enhancing the physical protection of resources based on threat assessments. Local circumstances and cultural differences would be taken into account and high standards of accountability and control maintained. Efforts would be focused on issues such as export licences and key safety applications such as cancer therapy. Since 11 September 2001, there had been a new awareness about the importance of protecting such peaceful applications. In the context of border protection, law-enforcement officers should be provided with training on the use of detection instruments. The detectors themselves were to be made more user-friendly and a limited number would be supplied to the relevant agencies by IAEA.

14. The importance of international treaties in establishing standards and a common approach could not be overemphasized. There was also a need for increased coordination between organizations and Member States with a view to targeting assistance and improving the use of resources.

15. **Mr. Florent** (France) agreed that the best protection against the use of chemical weapons was the universality and full implementation of the Convention, which would make it an effective tool against terrorism. Destruction of chemical weapon stockpiles was very important, as was control of precursor chemicals and their transfer. He would like to know whether the question of chemical weapons and terrorism had been raised at the recent review conference, and if so, if any new actions were planned in response to that threat.

16. Concerning nuclear terrorism, the threat was greater from the use of radiological materials than from nuclear weapons themselves, and the international community needed to focus its efforts in the area of their protection. His Government was planning several initiatives in the context of the proposed conference on the security of radiological materials. He also drew attention to the initiative by the Russian delegation to the Sixth Committee for the drafting of a convention against nuclear terrorism.

17. **Mr. Batsanov** (Organization for the Prohibition of Chemical Weapons (OPCW)) said that the recent review conference had addressed the possibility of terrorism, which had been mentioned specifically in its final document and political declaration. In his view, there had been few new elements in the approach of States parties to the issue, aside from discussion of the security of chemical weapons stockpiles and industrial chemical installations. The statements on those topics in the final document were still somewhat amorphous, which was an indication that there was some reluctance to discuss those matters in a multilateral forum for consultation and coordination.

18. **Ms. Nilsson** (International Atomic Energy Agency (IAEA)) said that efforts to strengthen the Convention on the Physical Protection of Nuclear Materials were ongoing, although some points still needed further discussion. The protection of other radiological materials would also be strengthened through a revised code of conduct on the safety and security of radiological sources, which should be completed by September 2003.

19. **Ms. Clunes** (United Kingdom) said that, in the view of her delegation, the role of the Committee in addressing threats of terrorism from nuclear, chemical and biological weapons had been strengthened with the adoption of Security Council resolution 1456 (2003). She had been struck by the scope of what was already being done in that area, and believed that it would be useful for the Committee to discuss how it could add value to those efforts. The Committee could also explore ways to incorporate the issue of chemical weapons and terrorism into its ongoing dialogue with Member States.

20. She asked whether information flow was seen as a relevant issue and how regional organizations, which were critical to building support, could be included in that area. Another main focus of the Committee's work was the provision of assistance to Member States, and it would be useful to hear how the Committee could be of help in that regard as well.

21. **Mr. Batsanov** (Organization for the Prohibition of Chemical Weapons (OPCW)) said that OPCW required assistance from other organizations in addressing chemical terrorism and reaching out to countries that were not parties to the Convention. For its part, OPCW would be glad to share its experience in involving regional organizations through establishing networks of experts in various fields, for example legal matters and protection. It also had rich experience in assisting States parties with their national implementing legislation.

22. **Mr. Robinson** (World Customs Organisation (WCO)) said that communication was very important to his organization, given the changing face of customs administrations and procedures. An integrated strategy at the governmental level was important and was an area where the Committee could be of help.

23. **Mr. Spicka** (International Criminal Police Organization (Interpol)) said that prior to September 2001 it had been inconceivable that a commercial aircraft could be used as a weapon of mass destruction. Another area with the potential to be equally catastrophic was bioterrorism, yet currently, there was no international entity for the express purpose of addressing it. The threat of bioterrorism could not be prevented through law enforcement techniques, which essentially reacted to crimes after they were committed by taking precautions and increasing security. But it was not possible as yet to construct a profile of bioterrorism with which law enforcement was familiar; it was the invisible enemy. The scale of risk was global and, surprisingly, in many countries such potentially dangerous behaviour as possession of toxins that could be used in an attack was not a criminal offence.

24. In facing the threat of bioterrorism, Interpol was attempting to bridge the gap between medical science and law enforcement. The medical community understood that an attack could be committed long before the disease was noticed, making its origin extremely difficult to trace and causing great fear. The actual damage caused by a bioterror attack also depended on many variables. Law enforcement understood that certain terrorist groups, including al-Qaidah, had shown a willingness to use bioweapons as evidence uncovered in Afghanistan demonstrated. In an

open society, it was impossible to eliminate risk completely. Certain potential targets, for instance the food chain, were extremely vulnerable.

25. Since the September 2001 attacks, law enforcement had been told repeatedly that it needed to focus on prevention. Recent training exercises designed to prepare a response to a biological attack had highlighted the potential for devastating consequences, including civilian casualties, a breakdown in essential institutions, civil disorder and a loss of confidence in government.

26. There were essentially three types of consequences of bioterrorism: mass casualties; disruption of essential services on a massive scale; and a great drain on police resources caused by numerous false alarms and copycat hoaxes. Thus, although the likelihood of a bioterrorist attack might be low, the potential impact was extremely high and might be impossible to contain. There was no choice but to focus on prevention. In his estimation the world was woefully unprepared to face the threat of bioterrorism. The "first-responders" — firemen, law enforcement officials, health services — lacked the necessary legal authority to act in such an emergency. What was required was a comprehensive and courageous package of measures to provide such authority, prevent access by terrorists to biological agents, including background checks on those working in biological research facilities, introduce strict regulations on the transport of biological substances and set heavy criminal penalties for non-compliance with such security measures.

27. His organization was working on a ground-up, grass-roots initiative to raise awareness of the security needs entailed by the threat of bioterrorism and promote capacity-building among international organizations, the pharmaceutical and biological research entities and regulatory agencies. Meanwhile, Government and the international community should strive to combat the root causes of terrorism.

28. **Mr. Kellman** (International Criminal Police Organization (Interpol)) said that bioterrorism posed a threat potentially equal to that of nuclear terrorism, but one that the world was less prepared to deal with. First of all, biological agents were much easier to make or to obtain than nuclear weapons. Secondly, there was no established international authority to deal with biological agents analogous to IAEA for nuclear materials and OPCW for chemical weapons. Moreover, most countries had no legislation prohibiting someone from obtaining and weaponizing deadly biological agents, so that law enforcement had no authority to act until an attack had actually been launched.

29. While possible, it would not be easy to produce weaponized biological agents without access to a laboratory. The key to prevention, therefore, was biosecurity at biological research and pharmaceutical production facilities to prevent unauthorized access to laboratories and diversion of pathogens. Although information was lacking on the state of national legislation, what was known suggested that it was woefully inadequate. The first step was to draft legislation and determine whether it provided adequate security.

30. Interpol had done some preliminary work on collecting and analysing national biosecurity laws and surveillance methods. It had delegated some of the topics that seemed to call for immediate research. It had also instituted an outreach programme to alert national authorities to the dimensions of the problem. Under that programme a large workshop had been held in Geneva in April 2003 on preventing disease weaponization, with an emphasis on strengthening law enforcement and national legislation and a discussion of the role of international organizations. For that workshop, Interpol had produced a directory of international and regional organizations, with a brief profile of each, and a template of national measures for preventing disease weaponization, accompanied by national reports, so far on only 23 countries. The members of the Committee would find those documents, together with a report on the workshop, a list of the participants, an article on biocriminalization and a set of view graphs on the topic, in their information packets.

31. Bioterrorism was perhaps the most horrendous threat that humanity had yet faced and assuredly fell under the scope of Security Council resolution 1373 (2001). The peoples of the world had the right to be assured that national and international officials were doing everything they could to address the threat. That was not yet the case.

32. **Mr. Robinson** (World Customs Organization (WCO)) said that the mission of WCO was to improve the effectiveness and efficiency of customs administrations in its 161 member countries by

providing assistance with modernization and restructuring and giving guidance as to best practice. The organization operated on a basis of cooperation and consensus. It had no inspection rights but performed needs assessments in consultation with members.

33. Over its 51 years of existence it had developed a number of international protocols and instruments in the areas of trade, customs control and enforcement, including the Harmonized Commodity Description and Coding System, which had great potential as a support tool in the identification of precursor substances for weapons of mass destruction. The Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (revised Kyoto Convention), which took into account modern risk-management methodologies, and the new WCO multilateral instrument on administrative assistance, when fully ratified, would provide a solid operating platform for customs administrations and enhance cross-border cooperation and interdiction. WCO would welcome support from the Committee in making Governments aware of the usefulness of those instruments in identifying cross-border movements of weapons of mass destruction.

34. The advance passenger information system, the WCO data model for international electronic data interchange and the unique consignment reference numbering system could help in the tracking and tracing of international consignments, including weapons of mass destruction and associated materials. WCO also provided guidance to members concerning money-laundering and had created a strategic group on combating trafficking in counterfeit products, which had been exploited by organized criminal groups and was a potential source of financing for terrorist activities.

35. However, the main effort in the past year had been to develop standards, models and guidelines aimed at securing the international trade supply chain. The proposals developed by a Task Force, based on the "authorized trader concept", had turned the whole system of risk management and customs control on its head: information would be provided to customs electronically in advance of shipment or while goods were still in transit, providing for a secure and authorized supply chain and at the same time allowing for facilitation of traders assessed as low risk, thereby enabling customs services to concentrate their limited resources on higher-risk consignments. WCO was planning to conduct a number of pilot projects in 2003-2004, involving both developed and developing countries, to try out the standards developed by the Task Force.

36. It should be borne in mind that in most countries the primary task of customs administrations was to collect import revenues. Many developing countries, in particular, had stressed the need for economic as well as physical security. However, the new risk management methods and advance information systems could also be helpful in reducing revenue fraud and thus increasing yields, providing an inducement for developing countries to apply them and greater resources to undertake reforms and enhance security.

37. WCO was aware that many attempts to offer help with reforms, often by providing short-term training, had not fully met the needs of recipients. WCO was therefore developing a capacity-building strategy and diagnostic framework intended to enable customs administrations to self-assess capacity-building needs, in security as well as other areas. It was experimenting with potential sources of funding, including Governments, donor organizations and, to a limited extent, the private sector.

38. WCO welcomed the Committee's efforts to bring together international organizations to discuss their security initiatives and believed that the Committee was the most appropriate coordinating point and could enhance synergy. In particular, it had a key role in integrating strategy for implementing the security measures called for by resolution 1373 (2001); creating an inventory or counter-terrorism security measures and initiatives; conveying to Governments how the international instruments and initiatives could assist them in their counter-terrorism efforts; and creating an international framework for capacity-building.

39. **Mr. Obeid** (Syrian Arab Republic) said that his Government was well aware of the dangers inherent in the potential use by terrorists of weapons of mass destruction and was cooperating fully with international efforts in that regard.

40. The representative of OPCW had noted that the Chemical Weapons Convention had not been universally ratified and had drawn attention to certain countries, particularly in the Middle East, Asia and Africa, that had not signed the Convention. It should be pointed out, however, that some countries that had

signed the Convention nonetheless possessed chemical weapons.

41. His delegation had recently submitted a draft resolution in the Security Council, still in the negotiation phase, concerning the establishment of the Middle East as a zone free of weapons of mass destruction, to include all States, without exception. The Syrian Arab Republic was a party to many other conventions relating to terrorism. It was making serious efforts to open its nuclear facilities to IAEA inspection, whereas some other countries in the region were not parties to a nuclear safeguards regime. His delegation had been active in supporting the work in the Sixth Committee on a draft international convention for the suppression of nuclear terrorism and was eager that every country should comply with its provisions. Despite the opposition of some delegations, his delegation hoped that the convention would include provisions on nuclear waste, which was sometimes buried in other countries without the knowledge of the inhabitants or disposed of on the high seas, in violation of the Basel Convention. Indeed, his own country was at risk from such disposal methods. His delegation was also supporting the elaboration in the Sixth Committee of a draft comprehensive convention on international terrorism, which should cover every form of terrorism.

42. **Mr. Zoumanigui** (Guinea), noting that as many as one third of the African States had yet to accede to the Chemical Weapons Convention, enquired whether any effort had been made to assess the reasons for their failure to do so, or indeed to induce them to consider becoming parties to it. He also requested clarification of the ultimate purpose of the proposal made by the representative of Interpol to establish a database of national legislation regarding pathogenic substances.

43. **Mr. Batsanov** (Organization for the Prevention of Chemical Weapons (OPCW)) said that countries decline to accede to treaties for a variety of reasons, and that much depended on their assessments of the costs and benefits of accession. His organization recognized the extent of the problem and was attempting to engage in dialogue with such countries through various means.

44. **Mr. Kellman** (International Criminal Police Organization (Interpol)) said that in the light of the rapid global expansion of the biological and pharmaceutical research sectors and the consequent proliferation of institutions capable of performing advanced bioresearch, a more comprehensive understanding of national legislation regulating access to dangerous pathogens was needed in order to help the international community begin to devise better ways to prevent such pathogens from falling into the hands of terrorists. To the extent that gaps in such legislative safeguards existed, they could then be identified and filled more easily.

45. **Mr. Tidjani** (Cameroon) said that the presentations of the specialized agencies had underscored the need for a body that would coordinate the efforts of States and specialized agencies to deal with the threat of biological terrorism. His delegation fully supported the view that States should demonstrate the political will to participate in the struggle against terrorism by acceding to and complying with the provisions of the relevant treaties. However, the failure so far of one third of the African States to accede to the Chemical Weapons Convention could possibly also be attributable to a lack of outreach on the part of the specialized agencies concerned.

46. Noting that cooperation among States on formulation of legal instruments for the protection of biochemical precursors and the detection of theft and sabotage was still conducted on a voluntary basis, he questioned whether that situation was entirely satisfactory given the gravity of the threat.

47. Finally, since a major concern for States like Cameroon was their lack of means effectively to implement the various methods of combating terrorism under discussion, he asked whether any of the specialized agencies represented had integrated into their existing institutional mechanisms a process for providing assistance to needier States in that regard.

48. **Ms. Nilsson** (International Atomic Energy Agency (IAEA)) said that her Agency recognized the need to provide security assistance to developing countries and was determining which of its activities were most beneficial to countries. It was assessing the needs of States on a case-by-case basis and was working with the Committee to strengthen its existing mechanisms.

49. **Mr. Karev** (Russian Federation) said that the Committee and the specialized agencies present should be able to cooperate closely because their respective strengths and expertise were complementary. The Committee was in a position to help reach States which were not yet parties to the various instruments

concerned or had failed to respond adequately to requests by the specialized agencies for information or cooperation of various kinds. He enquired whether it would in turn be possible for the specialized agencies to help the Committee assist States desiring to frame legislation but lacking the commensurate expertise, in particular States which were not members of the specialized agencies or parties to the treaties concerned.

50. **Mr. Florent** (France) asked whether the representative of Interpol considered the adoption of a verification protocol to the Chemical Weapons Convention to be of potential use in combating bioterrorism. He would welcome further information regarding the beneficiaries and objectives of the proposed WCO programme to strengthen cooperation against terrorism.

51. **Ms. Nilsson** (International Atomic Energy Agency (IAEA)), responding to questions from the representatives of the Russian Federation and the United Kingdom, said that while the Committee and the specialized agencies shared clearly overlapping goals, effective implementation of anti-terrorist measures depended on both sides recognizing that their areas of competence differed and therefore ensuring that their activities were complementary. The Committee could provide instrumental assistance in promoting accession to the treaties on which the agencies depended, while the agencies could assist in the area of coordination of activities both among themselves and with member States. It was also important to avoid duplication of effort in order to ensure the effective use of resources.

52. **Mr. Robinson** (World Customs Organization (WCO)) said that his organization had been providing assistance to its members for many years; its capacity-building programme was undergoing a wholesale change at the moment, but a set of self-assessment tools would be completed in the near future. It was also cooperating with other agencies to reduce duplication of effort; its work with the IAEA in that regard had enjoyed particular success.

Draft letters for finalization by the Committee: Marshall Islands, Mexico, Nauru, Nigeria, Tajikistan and Ukraine

53. **The Chairman** drew attention to six draft letters of reply to the second reports of the Marshall Islands, Mexico, Nauru, Nigeria, Tajikistan and Ukraine. If he heard no objection, he would consider the letters approved and send them to the States concerned.

54. *It was so decided.*

Other matters

55. **Mr. Obeid** (Syrian Arab Republic) drew the Committee's attention to the fact that the Committee's web site omitted the names of a number of Member States, and that information on the site had yet to be translated equally into all six official languages of the Organization. The only apparently complete version of the site was that in the English language.

56. **The Chairman** noted that the problem was one of long standing, and that he hoped it would be addressed in the near future.

The meeting rose at 6 p.m.